

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSH DONLEY,

Plaintiff,

vs.

KATHY DANIELS and C/O
MONTELONGO,

Defendants.

NO. CV-11-5001-CI

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING COMPLAINT

1915(g)

Magistrate Judge Imbrogno filed a Report and Recommendation on May 19, 2011, recommending Mr. Donley's Complaint be dismissed with prejudice under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). A copy of the Report and Recommendation was sent to Plaintiff at the Clallam Bay Correction Center. There being no objections, the court **ADOPTS** the Report and Recommendation. The Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted.

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT -- 1**

future claims.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward copies to Plaintiff at his last known address, and close the file. The District Court Executive is further directed to forward a copy of this Order to the Office of the Attorney General of Washington, Criminal Justice Division. The court certifies any appeal of this dismissal would not be taken in good faith.

DATED this 14th day of June, 2011.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT -- 2**